THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :9003 of 2007

DATED:26-04-2007

Smt. Sanapala Padmavathi.

..... PETITIONER

AND

The Commissioner for Prohibition and Excise,
Government of A.P.,
Nampally,
Hyderabad & another.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Prohibition & Excise appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in collecting the licence fee for a period of twelve months i.e., from 01-07-2005 to 30-06-2006 even though the licence was issued on 10-08-2005 by the 2nd respondent, as illegal, arbitrary, and consequently direct the respondents to return the excess licence fee already collected from the petitioner from 01-07-2005 to 31-07-2005.

3. It is stated that in respect of Form 2(B) licence for the excise year, 2005-06 commenced from 01-07-2005 and ended with 30-06-2006 the actual licence was granted only on 10-08-2005, but the respondents have collected the proportionate licence fee for the unlicensed period also from 01-07-2005 to 07-08-2005. It is stated that the respondents are not entitled to collect the licence fee prior to the period of grant of licence.

4. It is further stated that the issue raised in this Writ Petition is squarely covered by the judgment of this Court in W.P.No.23415 of 2006, dated 25-04-2006, which was also confirmed by the

Division Bench of this Court in W.A.No.686 of 2006, dated 19-06-2006.

5. Having regard to the facts of the case, the Writ Petition is disposed of granting liberty to the petitioner to make an appropriate representation before the respondents for the refund of the proportionate licence fee. If any such representation is made, the same shall be considered in terms of the orders of this Court in W.P.No.23415 of 2006, dated 25-04-2006, and pass appropriate orders in accordance with law within four weeks from the date of receipt of such representation. No order as to costs.

_____

V.ESWARAIAH,J

26th April, 2007.
Tsy